

REMARKS

Claims 1-3 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (U.S. Pub. No. 2004/0008602) in view of Liao, et al. (U.S. Pub. No. 2003/0161253). Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (U.S. Pub. No. 2004/0008602) in view of Liao, et al. (U.S. Pub. No. 2003/0161253), and further in view of Yamanaka (U.S. Patent No. 6,754,901). These rejections are respectfully traversed.

According to the Office Action, claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US PG-Pub 2004/0008602) in view of Liao (US PG-Pub 2003/0161253).

Applicants submit that the disk apparatus of the present invention has an advantage that the floating unit includes the disk insertion-detection levers (41). The disk insertion-detection levers (41) are disposed in a plane that includes the disk insertion/ extraction port (11), and are rotated by the outer peripheral edge of the inserted disk-shaped recording medium in an axial direction. When the disk is inserted in the disk insertion/ extraction port (11), the levers (41) are pressed down in the axial direction by the outer peripheral edge of the disk. The details of the insertion-detection levers (41) of the disk apparatus of the present invention

are disclosed in lines 6-22, page 15 and lines 7-19, page 20, and Figs. 8-10 of the original specification enclosed in our letter of March 20, 2006.

The disk apparatus of the present invention can be reduced in size and thickness by providing the disk insertion-detection levers (41). Such mechanism for disk insertion-detection levers is not disclosed or suggested in Suzuki and Liao. Also, Yamanaka (USP6,754,901) does not disclose such mechanism of the insertion-detection levers of the present invention. Applicants have therefore amended the claims to recite the axial direction of rotation.

In contrast, Suzuki's detection members rotate like a pair of swinging doors, generally in the plane of the disk and not axially with respect to the disk. As shown in Figs, 13A-13C, and 19 of Suzuki, the detection member (92) is rotatably attached to a roller support shaft (88a) to detect whether the optical disk is inserted or not. The roller support shaft (88a) is disposed to project upwardly, and the detection member (92) is rotated in directions parallel with a disk face of the inserted disk. The detection member (92) is forced by a torsion coil spring, whereby the guide roller (92c) is made to locate in front of the drive roller (85a).

As shown in Fig. 19 of Suzuki, corresponding to an operation pin (92b) of the detection member (92), a first detection switch (SW 1), which detects whether the disk is inserted or not from the disk entrance and exit slot (30), is attached to a drive-side guide lever (83). In Suzuki, when the disk is inserted, the detection member (92) is rotated in the clockwise direction by the outer peripheral edge of the disk in Fig. 19, whereby the operation pin (92b) presses the operation member (92) to turn on the first detection switch (SW 1). As mentioned above, the

movements of the mechanism for detecting the disk is arranged on a plane parallel with the disk face of the inserted disk in the apparatus. In other words, the mechanism for detecting the disk is configured such that the detection member (92) is rotated on a plane parallel with the disk face of the inserted disk by outer peripheral edge of the inserted disk. Suzuki has the mechanism upwardly projected for rotating the detection member (92) in the apparatus. Therefore, it is unfavorable for achieving a reduced size and thickness to provide such mechanism in the apparatus of Suzuki. Surely, Liao discloses a floating unit, but the disk detection mechanism of the present invention does not disclose or suggest at all. Also, Yamanaka which is cited for rejecting claims 2, 3 of the present invention has a similar mechanism as of the detection member of Suzuki. Therefore the detection mechanism of Yamanaka is different in construction from the disk apparatus of the present invention.

Accordingly, Suzuki, Liao, and Yamanaka are different in construction from the disk apparatus indicated by claims of the present invention.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Feb 25, 2008

By: Gregory A. Stobbs
Gregory A. Stobbs, Reg. No. 28764

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600